



Representative Mike Odioso
30th District

Representative Adam Mathews
56th District

House Judiciary Committee
Sponsor Testimony – House Bill 260
Wednesday, June 11, 2025

Representative Odioso:

Chair Thomas, Vice Chair Swearingen, Ranking Member Isaacsohn, and members of the House Judiciary Committee, thank you for the opportunity to provide sponsor testimony on House Bill 260, a companion bill to SB61, to ensure the separation of powers between the legislative and judicial branches. This legislation would modify and repeal sections of the Revised Code that overlap or conflict with the Rules of Practice and Procedure and the Rules of Superintendence that have been adopted by the Supreme Court pursuant to its constitutional authority and the 1968 Modern Courts Amendment.

Separation of powers between the branches of our government is at the core of our Republic. In 1968, Ohio citizens reaffirmed this fundamental principle by approving an amendment to the Ohio Constitution commonly referred to as the “Modern Courts Amendment.” One of the amendment’s primary changes was to grant the Supreme Court the power to adopt rules governing superintendence of the local courts. Article IV, Section 5 (A)(1) of the Ohio Constitution provides that the Ohio Supreme Court shall have general superintendence over all courts in the state as exercised by the Chief Justice in accordance with rules promulgated by the Supreme Court. Under this authority, the Supreme Court has adopted the Rules of Superintendence for the Courts of Ohio, which govern case-related practice and procedure matters in the courts. To that end, the Supreme Court has promulgated the Ohio Rules of Evidence, the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Ohio

Rules of Juvenile Procedure, and the Ohio Rules of Appellate Procedure, **collectively referred to as the “Rules of Practice and Procedure.”**

To protect the inherent Constitutional powers of the Ohio Legislator, the Modern Courts Amendment was careful to limit the Supreme Court’s rulemaking power and warns that practice and procedure-related rules may not abridge, enlarge, or modify any substantive rights. This complies with the separation of powers, in that the legislature makes laws, and the judiciary interprets the laws.

Rep. A. Mathews:

To these ends, amendments to the Rules of Practice and Procedure must be filed with the General Assembly by every fifteenth of January, with final amendments filed no later than May 1st. The General Assembly then has the constitutional authority to disapprove of any proposed amendments by July 1st of the same year. Absent such disapproval, the amendments take immediate effect. Furthermore, the Ohio Constitution provides that “all laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.” Ohio Const. Article IV, Section 5(B). In addition, proposed rules are regularly released for a period of public comment to allow practitioners, judges, and members of the public to provide their input.

Moreover, since the Supreme Court amended the equivalent of the Rules of Practice and Procedure before the Modern Court Amendment’s enactment, relevant Revised Code sections that predate the Modern Court Amendment are also submitted for repeal or amendment.

HB 260/SB 61 is designed to alleviate the conflicts between the Rules of Practice and Procedure and the Ohio Revised Code. These conflicts cause confusion for practitioners/parties and lead to unnecessary conflicts that must be resolved by courts. Because the General Assembly is given the opportunity every year to disapprove of any proposed practice and procedure-related rule amendments, once those amendments take effect, any conflicting law in the Revised Code is considered void. Supreme Court amendments to the areas related to the Rules of Practice and Procedure made prior to the Modern Court Amendment are also addressed for statutory revision.

HB 260/Senate Bill 61 reduces this confusion, streamlines the Ohio Revised Code, protects and better defines the constitutional separation of powers by repealing and modifying those statutes for matters that are now properly governed by Supreme Court rules.

Thank you for your attention and consideration. We will be happy to answer any questions you might have at this time

